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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,890	11/18/2003	Edgar A. Dallas	048674-0310	3688
26371	7590	03/14/2006		
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			EXAMINER HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/715,890	<b>Applicant(s)</b> DALLAS ET AL.	
	<b>Examiner</b> Isaac N. Hamilton	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-26 and 28-34 is/are pending in the application.  
 4a) Of the above claim(s) 8, 9, 12-14, 18, 19, 22-25, 31, 32 and 34 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-5, 7, 10, 15-17, 20, 21, 26, 28-30 and 33 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. After careful consideration, the Examiner is entering the amendment after final filed 02/07/06, however, the indicated allowable subject matter is hereby withdrawn in light of the rejection below.

### ***Claim Rejections - 35 USC § 112***

2. Rejections made under 35 USC 112 are hereby withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7, 10, 16, 17, 20, 21, 26, 28-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huston et al (3,252,489), hereafter Huston, in view of White (2,910,804). Huston discloses first cutting tool/axe 10; secondary tool/knife/camping gear item 20; retention system 32; receptacle 16. Huston discloses everything but does not disclose a retention system of a first magnet and a second magnet. However, White teaches a retention system of first magnet 38 and second magnet 36. It would have been obvious to provide a retention system of a first magnet and a second magnet in Huston as taught by White in order to permit rapid removal of the knife. Two elements having a magnetic attraction inherently have opposite polarities of negative and positive.

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5. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Huston and White as applied to claims 1-5, 7, 10, 16, 17, 20, 21, 26, 28-30 and 33 above, and further in view of Benardeau (2003/0204914). The combination discloses everything as noted above, but does not disclose a rare earth magnet. It would have been obvious to provide a rare earth magnet in the combination as taught by Benardeau in order to prevent slippage between the magnets. Rare earth magnets of the type described in paragraph [0033] of Benardeau inherently have a magnetic force of approximately 4000 Gauss as further evidenced by Gaussboys website.

6. Claims 1-5, 7, 10, 15, 16, 17, 20, 21, 26, 28-30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huston in view of Benardeau. Huston discloses first cutting tool/axe 10; secondary tool/knife/camping gear item 20; retention system 32; receptacle 16. Huston discloses everything but does not disclose a retention system of a first magnet and a second magnet. However, Benardeau teaches a retention system of first magnet 38 and second magnet 36. It would have been obvious to provide a retention system of a first magnet and a second magnet in Huston as taught by Benardeau in order to permit rapid removal of the knife. Two elements having a magnetic attraction inherently have opposite polarities of negative and positive. Note in Benardeau rare earth magnets with the magnetic force of 4000 gauss in paragraph [0033]. Rare earth magnets of the type described in paragraph [0033] of Benardeau inherently have a magnetic force of approximately 4000 Gauss as further evidenced by Gaussboys website.

***Conclusion***

Applicant's amendment in the response filed 07/05/05 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 1, 2006



**KENNETH E. PETERSON  
PRIMARY EXAMINER**